

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL NO. 14-2783 JB
)	
vs.)	
)	
THOMAS R. RODELLA,)	
)	
Defendant.)	

UNITED STATES' RESPONSE TO DEFENDANT'S NOTICE OF INTENTION TO OFFER
EVIDENCE PURSUANT TO FEDERAL RULE 404(b) (DOC. 52)

The United States responds to the defendant's Rule 404(b) notice as follows:

The defendant provides notice that he intends to offer into evidence that the victim, M.T., was driving an unregistered vehicle on March 11, 2014 because his temporary tag had expired a few days before, on March 6, 2014. Defendant Rodella argues that it is relevant to show why M.T. fled. However, the defense is wrong.¹ While the car still displayed the temporary tag, M.T. also displayed the permanent license plate that he had recently received. That is, M.T.'s car was lawfully registered and insured at the time of the incident, and had been so since March 1, 2014. See Exhibit 1 attached hereto. The permanent license plate that the victim displayed in his car on March 11, 2014 was dislodged sometime during the defendant's unlawful pursuit and assault of M.T. This is evidenced by the fact that the towing company that responded to the scene on March 11, 2014 observed and noted the permanent license plate (405 SMN) in the RASO Towing Authorization form. See Exhibit 2 attached hereto.

¹ Similarly, the defense counsel was wrong when he announced to the media that M.T. was driving on an expired driver's license. In fact, the victim was driving with a lawful driving license on March 11, 2014.

Accordingly, the defense should be prohibited from introducing any evidence² concerning registration violations pursuant to Fed. R. Evid. 404(b).

Respectfully submitted,

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/s/ Filed Electronically
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I HEREBY CERTIFY that on September 12, 2014,
I filed the foregoing electronically through the
CM/ECF system, which caused the below counsel
of record to be served by electronic means, as more
fully reflected on the Notice of Electronic Filing.

Robert J. Gorence and Louren M. Oliveros
Counsel for Thomas R. Rodella

/s/ Filed Electronically
Tara C. Neda, Assistant U.S. Attorney

² Defense counsel's assertion that the victim had driven an unregistered vehicle on three previous occasions also is wrong; however, the issue is irrelevant.